

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: NEW ENGLAND COMPOUNDING
PHARMACY, INC. PRODUCTS LIABILITY
LITIGATION

This Document Relates To:
All Cases

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) MDL No.: 1:13-md-2419-FDS
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**ASSENTED-TO MOTION TO EXTEND TIME TO RESPOND TO
MOTION TO CERTIFY FOR INTERLOCUTORY APPEAL UNDER 28 U.S.C. § 1292(b)**

Paul D. Moore, in his capacity as Chapter 11 Trustee of the Defendant New England Compounding Pharmacy, Inc. d/b/a New England Compounding Center (the “Trustee”), files this Assented-to Motion for Extension of Time to respond to the Roanoke Gentry Locke Plaintiffs’¹ Motion to Certify for Interlocutory Appeal Under 28 U.S.C. § 1292(b) [Docket No. 196] and the accompanying Memorandum of Law in Support of Motion to Alter or Amend Judgment Under Rule 59(e) or, in the Alternative, to Certify for Interlocutory Appeal Under 28 U.S.C. § 1292(b) [Docket No. 197] (collectively, the “Motion”). The parties have agreed, subject to this Court’s approval, to extend the time in which the Trustee may respond to the Motion to and including July 12, 2013, on the condition that the Court sets the Motion for hearing at the same time as the status conference currently scheduled for August 9, 2013.

By separate Order [Docket No. 214], the Court granted a similar extension to the Trustee’s time to respond to the Roanoke Gentry Locke Plaintiffs’ Motion to Alter or Amend Judgment Under Rule 59(e) [Docket No. 195].

¹ The Roanoke Gentry Locke Plaintiffs consist of parties who, represented by the law firm Gentry Locke Rakes & Moore, filed personal injury and wrongful death claims against non-debtor third-party defendants in Virginia state court.

A response to the Motion is currently due on or before Friday, July 5, 2013. Additional time to respond will enable the Trustee to further evaluate and appropriately respond to the Motion. Further, the Court has already scheduled August 9, 2013 as a date for a status conference and the extension will not require the Court to reserve a new or additional hearing date.

WHEREFORE, the Trustee respectfully requests that the Court grant its Assented-to Motion for Extension of Time to Respond to the Motion to Certify for Interlocutory Appeal Under 28 U.S.C. § 1292(b) by (i) extending the time in which the Trustee may respond to the Motion to and including July 12, 2013 and (ii) scheduling the Motion for hearing during the August 9, 2013 status conference.

CERTIFICATE PURSUANT TO LOCAL RULE 7.1(A)(2)

The undersigned hereby certifies that counsel for the movants conferred with counsel for the Roanoke Gentry Locke Plaintiffs, who assented to this motion.

Dated: July 1, 2013

Respectfully submitted,

DUANE MORRIS LLP

/s/ Michael R. Gottfried
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Counsel for PAUL D. MOORE, in his
capacity as Chapter 11 Trustee of the
Defendant New England Compounding
Pharmacy, Inc., d/b/a New England
Compounding Center

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as unregistered participants on July 1, 2013.

/s/ Michael R. Gottfried

Michael R. Gottfried